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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/561,569

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EXAMINER

WILSON, GREGORY A

ART UNIT

PAPER NUMBER

3749

MAIL DATE

DELIVERY MODE

06/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/561,569	Applicant(s) HUTTON ET AL.	
	Examiner Gregory A. Wilson	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26, 28-30, 33, 34, 38 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 8-13, 19-26, 30, 33 and 38 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 6, 7, 14-18, 28, 29, 34 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/24/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 10-13, 19-23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by **(JP 10306912)**. **Japanese reference (JP 10306912)** discloses a structure for supporting a lance tube and includes a pair of elongated side panels (SEE Figure 3) for enclosing the carriage, the side panels formed of substantially uniform thickness metal stock formed to integrally define a first generally horizontal panel track surface (25), a second generally horizontal panel track surface (26) and a vertical panel track surface extending between the first and the second track surfaces (SEE Figure 1), the first track surface the second track surface and the vertical panel track surface cooperating to define a roller channel extending substantially the entire length of the side panels frame assembly and inwardly formed in part by the first track surface for supporting the support rollers to roll along the side panels and to trap the support rollers within the roller channel, a toothed rack (shown at element 34) affixed to or defined by at least one of the first track surface and the second track surface (SEE Figure 1) further comprising the side panels further defining the roller channel opening inwardly formed in part by the first track surface which extends inwardly. The pair of the side panels including a right-hand side panel and a left-hand side panel and

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a top panel extending between the right-hand side panel and the left-hand side panel so as to enclose the carriage thereby forming the channel, wherein the top panel is integrally formed with the right-hand side panel and the left-hand side panel (SEE Figure 4). The support structure includes tie bars (SEE Figure 1, 5, 6 and 9) connecting a pair of the side panels together to define a right-hand side panel and a left-hand side panel and the structure has a forward end which can be positioned adjacent to the combustion device and a rearward end for positioning spaced from the combustion device, the sootblower/lance having a rear module capable of being attached to the side panels and having rail track surfaces (25, 26) for supporting the support rollers and the rear module having means for enabling removal of the carriage from the sootblower, and carriage rollers (42) engaging the first track surface to restrain loads primarily acting in the vertical direction. The supporting structure has side panels having a corrosion resistant coating (common knowledge) substantially covering an entire exterior surface of the side panel.

Claims 1, 2, 5, 8-13, 19-26, 30, 33 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by **GB (1,084,342)**. **GB (1,084,342)** discloses a frame structure for a sootblower and includes a pair of elongated side panels (30) including a right hand side panel and left had side panel (SEE Figure 3) and a top panel (33) for enclosing the carriage, the top panel is integrally formed with the right and left side panels by way of welding, the side panels formed of substantially uniform thickness metal stock formed to integrally define a first generally horizontal panel track surface (see rails 35) formed of a

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reversely bent flange, a second generally horizontal panel track surface formed of a reversely bent flange and a vertical panel track surface (see rails 35 in Figure 3) extending between the first and the second track surfaces, the first track surface, the second track surface and the vertical panel track surface cooperating to define a roller channel (Figure 3) or pocket which extends substantially the entire length of the side panels frame assembly for supporting the support rollers to roll along the side panels and consequently traps the support rollers/carriage rollers (37) within the roller channel and capable of restraining loads acting in the vertical direction, a toothed rack (defined by a pair of end sprockets and endless chain 18) affixed to at least one of the first track surface and the second track surface; the side panels defining a roller channel opening inwardly formed in part by the first track surface which extends inwardly, the frame assembly has tie bars (31) connecting a pair of the side panels together to define the right-hand side panel and a left-hand side panel wherein the frame is capable of being positioned adjacent to the combustion device and having a rearward end capable of being positioned spaced from the combustion device, the sootblower having a rear module attachable to the side panels and having rail track surfaces for supporting the support rollers and the rear module having means for enabling removal of the carriage from the sootblower. It is common knowledge in the art for the side panels to have a corrosion resistant coating substantially covering the entire exterior surface of the side panels.

Allowable Subject Matter

Claims 3, 4, 6, 7, 14-18, 28, 29, 34 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Parkin et al (5,752,288) (SEE Abstract and Figures 1a-1c) and Wall (5,778,830) (SEE Figures 2 & 3) both teach frame support structures for a sootblower or lance wherein the lance tube is carried on a carriage having multiple support rollers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. Wilson whose telephone number is (571)272-4882. The examiner can normally be reached on 7 am - 4:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory A. Wilson/
Primary Examiner, Art Unit 3749
June 5, 2008